

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re BOOKER T. WADE, JR.,  
Debtor.

) Case No.: 14-CV-02795-LHK  
)  
) ORDER DISMISSING APPEAL FOR  
) FAILURE TO PROSECUTE  
)

Booker T. Wade (“Appellant”) filed a notice of appeal under 28 U.S.C. § 158(a) and Federal Rule of Bankruptcy Procedure 8001(a) from an order of the Bankruptcy Court entered June 11, 2014 captioned, “Order Denying Motion to Compel Custodian to Turnover Property of the Estate.” ECF No. 1. Appellant’s notice of appeal was timely filed on June 17, 2014. *Id.* Appellant also filed a designation of the record and statement of the issues pursuant to Rule of Bankruptcy Procedure 8006. *Id.* Also on June 17, 2014, the Clerk issued an order instructing the parties to perfect the record on appeal pursuant to Rules of Bankruptcy Procedure 8006 and 8007, and setting deadlines for the parties to file opening, opposition, and reply briefs. ECF No. 2. On July 8, 2014, Appellant filed an emergency ex parte motion for a temporary restraining order. ECF No. 3. The Court denied Appellant’s ex parte motion on July 10, 2014. ECF No. 4. Since July 10, 2014, no action has been taken in this matter.

On December 10, 2014, the Court ordered Appellant to show cause why his appeal should not be dismissed for failure to prosecute. ECF No. 5 (“Order to Show Cause”). The Court ordered

1 Appellant to file a response to the Court's Order to Show Cause by December 31, 2014. *Id.* The  
2 Court also set a hearing on the Order to Show Cause for January 8, 2015, at 1:30 p.m. *Id.* The  
3 Court further stated that Appellant's failure to respond to the Order to Show Cause and to appear at  
4 the January 8, 2015 hearing would result in dismissal of his appeal for failure to prosecute.

5 Appellant failed to file a response to the Order to Show Cause. Moreover, Appellant failed  
6 to appear at the hearing on January 8, 2015. Accordingly, this appeal is hereby DISMISSED for  
7 failure to prosecute. The Clerk shall close the file.

8 **IT IS SO ORDERED.**

9  
10 Dated: January 8, 2015

  
LUCY H. KOH  
United States District Judge

United States District Court  
For the Northern District of California